IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 555 OF 2002

SHRI RAGOBHA SHETYE,ST.INEZ, AND ORS., ...Applicants

Versus

COMMUNIDADE OF PILERNE AND ORS., ...Respondents

MR.M.J.RANE,MR.Y.V.NADKARNI,R.1

Coram:- A.M.KHANWILKAR &
P. V. HARDAS, JJ.

Date:- 9th December, 2003

P.C.:

This application seeks clarification/ modification of the Order, dated 19th June 2000, in Letters Patent Appeal No.7 of 2000. It is contended on behalf of the applicant that he is similarly placed as persons, who are mentioned in the earlier part of paragraph 4 of the Order at serial numbers 1, 2, 4, 5, 6, 7, 9, 10 and 11, in as much as possession of the plot has already been handed over to him, for which reason he is entitled to carry on with the construction on the said plot. We find no substance in this application. The Order, in particular paragraph 4, of which clarification/modification is sought, makes a clear distinction between persons who have received possession of the plots and already

commenced construction and on the other hand, persons to whom possession is yet to be delivered and who have not commenced construciton. The case of the applicant falls in the latter category for which reason the status quo Order granted by this Court will apply. Hence, no clarification/modification is required. Application is rejected.

A.M.KHANWILKAR, J.

P. V. HARDAS, J.